

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES DEPARTMENT)	
OF AGRICULTURE,)	
)	
Plaintiff)	
)	
v.)	1:25-cv-00140-LEW
)	
NATALIE C. THEBERGE,)	
)	
Defendant)	

ORDER ON DISCOVERY ISSUE

On September 16, 2025, the Court conducted a telephonic conference with counsel to discuss a discovery issue raised by Defendant. Defendant asserts that Plaintiff has not responded to a request for production of documents served on July 21, 2025, and to interrogatories served on August 13, 2025. Plaintiff reports that despite its best efforts, due largely to staff shortages, to date, it has been unable to provide responses to the requests. Defendant asks the Court to establish a deadline for Plaintiff to provide responses to the discovery requests and to deem Plaintiff to have waived any objections to the discovery requests.

While the Court will establish a deadline for the discovery responses, the Court declines, at this stage, to deem all objections waived. Although the Court may deem a party's failure to object within the response time a waiver of objections, "judicial discretion is still in play in cases of waiver, and a court can decline to deem late objections waived when the discovery request far exceeds the bounds of fair discovery." *Katz v. Liberty*

Power Corp., LLC, No. 1:18-cv-10506-ADB-DLC, 2021 WL 3616073, at * 1 (D. Mass. Mar. 29, 2021) (citation and internal quotation marks omitted). Without specific knowledge of the substance of the discovery requests or the nature of any potential objections, the Court is not prepared to deem all objections waived. The Court will rule on Defendant's challenges to any objections when and if raised. The time the objections are asserted would be one factor in the Court's assessment of any challenge.

Plaintiff shall serve responses to Defendant's discovery requests on or before October 10, 2025.

NOTICE

Any objections to this order shall be filed in accordance with Federal Rule of Civil Procedure 72.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 19th day of September, 2025.